

## METROPOLITAN AREA PLANNING COMMISSION

### MINUTES

February 21, 2008

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 21, 2008, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: M.S. Mitchell, Chair; Don Anderson, Vice Chair (Out @3:42 P.M.); David Dennis; David Foster; Michael Gisick; Bud Hentzen; Hoyt Hillman; Bill Johnson (In @1:35 P.M./Out @3:20 P.M.); Ronald Marnell; John W. McKay Jr.; Don Sherman and G. Nelson Van Fleet. Darrell Downing and Debra Miller Stevens were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Associate Planner and Maryann Crockett, Recording Secretary.

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1. Approval of the February 7, 2008, MAPC minutes.

**MOTION:** To approve the February 7, 2008, minutes.

**MCKAY** moved, **SHERMAN** seconded the motion, and it carried (11-0).

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❖ **Items #2-1 thru 2-6 may be taken in one motion, unless there are questions or comments.**

2. Consideration of Subdivision Committee recommendations from the meeting of February 14, 2008.

- 2-1. **SUB 2006-109: Revised One-Step Final Plat -- LIVING WORD OUTREACH ADDITION,** located west of Hydraulic and north of MacArthur Road.

NOTE: This is a replat of a portion of the Rainbow 2<sup>nd</sup> Addition. This revised plat includes the vacation of Pattie and Victoria, which are platted as Reserves A, B, and C.

#### STAFF COMMENTS:

- A. Regarding Lot 1, water and sewer is available. The applicant shall provide in lieu of assessments for water and sewer. A 20-foot easement needs to be retained for existing sewer. For Lots 2 and 3, water is available and the applicant needs to extend sewer. In lieu of assessment fees are needed for water.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the drainage plan. A cross-lot drainage agreement is requested. As drainage will be directed onto I-135, a letter has been provided from KDOT indicating their agreement to accept such drainage.
- D. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified

with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- E. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- F. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- G. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- H. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- I. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- J. Perimeter closure computations shall be submitted with the final plat tracing.
- K. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- L. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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- 2-2. SUB 2007-115: Final Plat -- VIA CHRISTI - WEST CAMPUS ADDITION**, located on the north side of 21<sup>st</sup> Street North and on the east side of 151<sup>st</sup> Street West.

NOTE: This site is located in the County within three miles of Wichita's boundary. It is in an area designated as "2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan. The site has been approved for a zone change (PUD 2007-04) from SF-20, Single-Family Residential to PUD, Planned Unit Development.

STAFF COMMENTS:

- A. City of Wichita Water Utilities Department has required the applicant to guarantee the extension of City water and sanitary sewer (mains and laterals) to serve the lot being platted in accordance with the Water Utilities master plan. An outside-the-city water and sewer agreement shall be provided. City Engineering requests an off-site easement for the sewer extension.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering requests a final drainage plan prior to City Council consideration. A copy should also be provided to City Engineering.
- D. County Engineering has approved access controls and requested that all access openings along 151<sup>st</sup> St. West be a minimum of 20-feet wide. The plat proposes four access openings along 151<sup>st</sup> St. West and one opening along 21<sup>st</sup> St. North. The plat specifies the openings shall be in accordance with access management standards.
- E. County Fire Department notes that the property is not located in the city limits of Wichita. Item #20 of the PUD2007-00004 needs to reflect the Sedgwick County Fire Code.
- F. Access drives will need to conform to the requirements of the Sedgwick County service drive code, particularly Division 2 of said code. It is noted an existing access to a tower conflicts with the access drive policy.
- G. Sedgwick County Fire Department advises that on-site water for fire protection must be provided on-site that meets or exceeds the fire flow requirements of the Sedgwick County Fire Code.
- H. County Engineering requires a guarantee for reconstruction of 151<sup>st</sup> St. West.
- I. County Surveying requires a minimum building pad datum.
- J. The applicant is advised that due to encroachment of a portion of the proposed Northwest Bypass on this plat, the property is subject to meeting the requirements of the Corridor Preservation Plan Overlay District (CP-O) prior to the issuance of any building permits. The applicant will be platting a building setback along the future right-of-way.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. In accordance with the PUD approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- N. A PUD Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PUD and its special conditions for development on this property.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The platting text shall include language that a drainage plan has been developed for the plat and that

all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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- 2-3. SUB 2007-101: Final Plat -- HIGH POINT WEST ADDITION,** located south of Maple and on the east side of 151<sup>st</sup> Street West.

NOTE: This is an unplatted site located within the City of Wichita.

STAFF COMMENTS:

- A. City Water Utilities Department has required that the applicant guarantee the extension of City water and sanitary sewer (mains and laterals) to serve all the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs a revised drainage plan. A minimum pad is needed for Lots 8-13, Block 1.
- D. Traffic Engineering has approved the access controls. The plat proposes complete access control along the 151<sup>st</sup> St West Street frontage except for one street opening.
- E. The Applicant shall guarantee the paving of the proposed streets.
- F. The parking easements within the Reserves shall be referenced in the plat's text specifying that the easements are granted for residential parking only and that no obstructions shall be constructed or placed within the easements.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. The plat's text shall include language that the owners of the reserves shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair, or maintenance.
- J. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street drainage and utility easements," a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- K. The applicant shall submit a covenant that provides four (4) off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. GIS has requested Summit Road be replaced with a new street name.
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any

associated documents.

- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Westar Energy has requested additional easements and advised that any reconstruction or relocation of existing facilities will be at applicant's expense.
- U. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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- 2-4. SUB 2008-04: One-Step Final Plat -- FOLIAGE CENTER SECOND ADDITION,** located north of 13<sup>th</sup> Street North and on the west side of Webb Road.

**NOTE:** This is an unplatted site located within the City of Wichita. A zone change (ZON 2008-04) has been requested from SF-5, Single-Family Residential to NO, Neighborhood Office.

**STAFF COMMENTS:**

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change.
- B. City Water Utilities Department advises that sewer is available on Webb Rd. A private easement is needed for the existing private service line for the property to the west or the private service line needs to be relocated. Water needs to be extended. (The 30" lock joint main in Webb Rd. is not available for individual services.)
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be

submitted to the Planning Department for recording.

- D. City Engineering has approved the drainage plan.
- E. Traffic Engineering has approved the access controls. One opening along Webb Road is approved along the north property line.
- F. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.

- Q. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD ([cholloway@wichita.gov](mailto:cholloway@wichita.gov)). This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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**2-5. SUB 2008-05: One-Step Final Plat -- FLIGHTSAFETY ADDITION**, located on the south side of Central and east of Webb Road.

NOTE: This is a County plat adjoining Wichita's city limits. It is located within the Beech-Wichita Industrial District and therefore annexation is not required. This is a replat of Lot 1, Flight Training Center Addition and Lots 3 and 4 in Travel Air City Addition. The plat includes the vacation of a portion of Central.

**STAFF COMMENTS:**

- A. City Water Utilities Department advises that the property is connected to water and sewer.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering has approved the drainage plan.
- D. The plat proposes two openings along Central. Traffic Engineering has requested the openings be defined. Rights-in/out movements only need to be denoted on the plat.
- E. Traffic Engineering has approved the proposed vacation of right-of-way for Central.
- F. The right-of-way width for adjoining streets needs to be denoted.
- G. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- H. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox



locations can be determined.

- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- P. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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**2-6. Request for Lot Modification (Lot Split No. SUB2008-06 – Knight Acres Addition).**

This lot split includes the proposed division of Lot 1 into 2 parcels. Parcel 2 exceeds the maximum lot width to depth ratio of 2.5 to 1 for residential lots. Therefore, a modification needs to be approved.

Planning Staff recommends approval.

**MOTION:** To approve, subject to staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (11-0).

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**JOHNSON** in @ 1:35 P.M.

❖ **PUBLIC HEARINGS – VACATION ITEMS**

**3. VAC 2008-02: Request to vacate a portion of a platted easement**

**OWNER/APPLICANT:** RBH Hotel Wichita, LLC c/o Isaac Krumme

- LEGAL DESCRIPTION:** Generally described as the south 10 feet of the platted 20-foot utility easement, running parallel to the north lot line of Lots 7 & 8, Block 1, the Regency Lakes Commercial 2nd Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located south of K-96 Highway, on the west side of Greenwich Road (WCC #I)
- REASON FOR REQUEST:** Additional space for development
- CURRENT ZONING:** Subject property and adjacent and abutting northern, southern and western properties are zoned "LI" Limited Industrial. Properties located east of the site (across Greenwich) are zoned "SF-5" Single-family Residential

The applicant is requesting consideration for the vacation of the described portion of the platted utility easement. The platted utility easement ends against a large drainage easement on its west side. The GIS map shows manholes and sewer line in the subject platted easement. The applicant proposes a private sewer line in place of the existing public sewer line. The Regency Lakes Commercial 2nd Addition was recorded with the Register of Deeds February 26, 2004.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer/Storm Water, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the platted utility easement as described in the legal description with the following conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle and the Derby Reporter, of notice of this vacation proceeding one time January 31, 2008 which was at least 20 days prior to this public hearing.
  2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted utility easement and the public will suffer no loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted utility easement described in the petition should be approved with conditions;
- (1) Vacate only that portion of the platted utility easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Provide Planning Staff the approved legal description of the vacated portion of platted utility easement, via e-mail on a Word document.
  - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility, at the expense of the applicant and per City Standards. To abandon the sewer line provide Public Works with a certification from an engineer attesting that the sewer line has been abandoned per City Standards or provide a guarantee for the abandoning of the sewer line and a temporary easement, all to occur prior to the vacation case proceeding to City Council for final action.

- (3) Provide Planning Staff with a restrictive covenant tying Lots 7 & 8, Block 1, Regency Lakes Commercial 2nd Addition together to provide all services/utilities to both lots. This must be provided to Planning to go with the Vacation Order to WCC for final action and subsequent recording at the Register of Deeds.
- (4) Per MAPC Policy Statement #7, all the conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:**

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the platted utility easement as described in an approved legal description, as approved by City Water & Sewer, Public Works, Storm Water and franchised utilities. Provide Planning Staff the approved legal description of the vacated portion of platted utility easement, via e-mail on a Word document.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility, at the expense of the applicant and per City Standards. To abandon the sewer line provide Public Works with a certification from an engineer attesting that the sewer line has been abandoned per City Standards or provide a guarantee for the abandoning of the sewer line and a temporary easement, all to occur prior to the vacation case proceeding to City Council for final action.
- (3) Provide Planning Staff with a restrictive covenant tying Lots 7 & 8, Block 1, Regency Lakes Commercial 2nd Addition together to provide all services/utilities to both lots. This must be provided to Planning to go with the Vacation Order to WCC for final action and subsequent recording at the Register of Deeds.
- (4) Per MAPC Policy Statement #7, all the conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

**MOTION:** To approve, subject to staff recommendation.

**MCKAY** moved, **ANDERSON** seconded the motion, and it carried (12-0).

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**❖ PUBLIC HEARINGS**

**ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 P.M.**

4. **Case No.: ZON2007-69/CON2008-03** – Jeremy & Kassy Johnson (applicant), MKEC c/o Gene Rath (agent) Request City zone change from "SF-5" Single-family Residential to "LC" Limited Commercial with a Conditional Use for Nursery or Garden Center on property described as:

The North 445 feet of the Northwest Quarter of the Southwest Quarter, Section 2, Township 27, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located southeast of the intersection of 25th Street North and North Hoover Rd. (2530N. Hoover Rd.).

**BACKGROUND:** The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial with a Conditional Use for a nursery and garden center on 13.26 acres. The site is located east of Hoover and south of 25<sup>th</sup> Street North. The unplatted site is developed with a single-family house (built in 1969) and accessory structures; the tax assessor’s database classifies the property as a farmstead. The applicant intends to develop a nursery and garden center on the site. Proposed outdoor storage and display exceeds that permitted by right in LC zoning (see the attached site plan), therefore a Conditional Use request is required.

Because the site is greater than 6 acres in size, the Unified Zoning Code (UZO) requires a Community Unit Plan (CUP) for developments in LC zoning. The UZO provides the option of a Protective Overlay (PO) in place of the CUP; the applicant has chosen to file for a PO which would restrict uses on the site to: nursery and garden center, outdoor storage, commercial parking area, and ancillary accessory drive. The PO would also restrict signage within Sign Code regulations for NR Neighborhood Retail zoning.

North and east of this site is “SF-20” Single-family Residential zoned property in the county. The property north of the site is agricultural, but is approved for a sand extraction Conditional Use. Property east of the site is a former sandpit with a sandpit lake and manufactured home land use. Northwest of the site is the SF-5 zoned Barefoot Bay lake and residential development. South of the site is an SF-5 zoned farmstead on five acres. Over 800 feet south of the site is “LI” Limited Industrial and “IP” industrial Park zoning, with warehousing, office, and manufacturing land uses. West of the site are SF-5 zoned single-family residences and a legal non-conforming manufactured home.

**CASE HISTORY:** None, the site is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	“SF-20”	Agriculture, approved for sand extraction
SOUTH:	“SF-5”	Farmstead
EAST:	“SF-20”	Manufactured home on former sand extraction site
WEST:	“SF-5”	Single-family residential, manufactured homes

**PUBLIC SERVICES:** The subject property has frontage along North Hoover, a two-lane paved arterial with a 30-foot half-street right-of-way (ROW) at this location. The site has one access point to Hoover, ROW dedication will be addressed at the platting phase. No traffic counts are available for this portion of Hoover. The 2030 Transportation Plan shows this portion of Maize remaining a two lane arterial. The CIP has no projects for this portion of Hoover. The site has no municipal water or sewer, water is approximately 150 feet northwest of the site on Hoover.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for “Urban Residential” use. Immediately north of this site is designated as Wichita Growth Area, and approximately 800 feet south of this site is designated as an Employment and Industry Center. The Comprehensive Plan Commercial Locational Guidelines state the following: commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments and commercially-generated traffic should not feed directly onto local residential streets.

The UZO would require screening between residential zoning and the proposed development on this site, and would require setbacks from all property lines. The Landscape Ordinance would require a landscape

plan for the proposed development. Specific UZC conditions for nurseries and garden centers in LC zoning would require the following: arterial street access, screening may be achieved through landscaping, display and storage shall be screened and not within 25 feet of ROW, commercial vehicles shall be screened, lighting shall be shielded, sound should not project beyond property lines, and parking and loading areas shall be determined as adequate by the Planning Commission.

**RECOMMENDATION:** This request does not conform to the Comprehensive Plan Land Use Guide. The immediate neighborhood is in transition and currently lacks municipal services. The proposed nursery/garden center could serve as a buffer and transition land use between the future sand extraction to the north, and residences to the south and west. The proposed PO and Conditional Use, as well as the standards of the UZC and Landscape ordinances should mitigate negative effects on the residences south and west of this site, and prevent incompatible land uses.

Based upon the information available prior to the public hearings, planning staff recommends that the request for a change in zoning and a Conditional Use be APPROVED, subject to platting within one year, subject to the following PO conditions:

1. The site shall be limited to those land uses permitted by right under the SF-5 zoning district, and limited to the LC uses of Nurseries and Garden Centers, Outdoor Storage, Commercial Parking Area, and Ancillary Drive.
2. Signage on this site shall be monument signage, shall conform to the location on the approved site plan, shall be perpendicular to Hoover, shall be illuminated only during business hours, and shall be restricted to the Sign Code regulations for the NR zoning district.

And, subject to the following Conditional Use conditions:

1. The site shall conform to the approved site plan. Required parking shall conform to the approved site plan.
2. The site shall conform to the Landscape Ordinance, which may include use of existing vegetation. A landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval.
3. All parking and loading areas, display and storage areas, and commercial vehicle storage shall be screened from abutting residences and Hoover Road. Screening may be achieved through use of landscaping, consistent with the Unified Zoning Code and Landscape Code screening requirements.
4. No display or storage areas shall be within 25 feet of Right of Way or property lines.
5. Any repair or servicing of vehicles or equipment shall only be permitted within an enclosed building.
6. No sound projecting devices or loudspeakers shall be permitted.
7. The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
8. Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North and east of this site is “SF-20” Single-family Residential zoned property in the county. The property north of the site is agricultural, but is approved for a sand extraction Conditional Use. Property east of the site is a former sandpit with a sandpit lake and manufactured home land use. Northwest of the site is the SF-5 zoned Barefoot Bay lake and residential development. South of the site is an SF-5 zoned farmstead on five acres. Over 800 feet south of the site is “LI” Limited Industrial and “IP” industrial Park zoning, with warehousing, office, and manufacturing land uses. West of the site are SF-5 zoned single-family residences and a legal non-conforming manufactured home.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned “SF-5” Single-family Residential and could continue to be used for single-family residences. The site may not be desirable for residences due to approved sand extraction north of the site.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permitted land uses under the requested LC zoning will be more intense than those permitted under the current residential zoning. However, the restrictions of the proposed PO and Conditional Use, as well as the standards of the Unified Zoning Code and the Landscape Ordinance should limit noise, lighting, and other activity from adversely impacting the nearby single-family residential areas.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for “Urban Residential” development. The Comprehensive Plan Commercial Locational Guidelines state the following: commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments and commercially-generated traffic should not feed directly onto local residential streets.
5. Impact of the proposed development on community facilities: The proposed LC zoning and nursery/garden center land use will increase traffic on this portion of Hoover. Required platting of this site will provide additional ROW for any future improvements.

**JESS MCNEELY, PLANNING STAFF**, presented the staff report.

**FOSTER** asked a question concerning staff’s right-of-way recommendation.

**MCNEELY** explained that the case was subject to platting and that staff recommendation at that time would be consistent with access management guidelines.

**MCKAY** asked about a time limit on the conditional use and protective overlay.

**MCNEELY** commented that staff has not proposed a sunset provision, but the MAPC could do that.

Responding to **GISICK**’s question concerning anticipated City services, **MCNEELY** stated that would happen when someone developed the site and was willing to spend the money to extend services. He mentioned that LaFarge owns land to the north and that the sand extraction operation has already been approved. He said the area won’t be developed into residential until many years in the future.

**MITCHELL** asked if services are usually extended when the plat is done?

**MCNEELY** said that was correct.

**MARK BAUER, 2615 NORTH HOOVER**, said he sold property across the street from this development a year or so ago. He referenced another area that was rezoned to commercial near the airport where he used to live. He said this area is destined to be residential. He mentioned Barefoot Bay and Emerald Bay and added that the median house price was \$500,000. He said he was concerned about how having commercial zoning in the middle of a residential neighborhood will affect property values. He said he was opposed to the proposal and didn't think it was in the City's best interest to block the natural progression of residential development in the area. He said he was also concerned about traffic. He said in his opinion, development should be put on hold until the traffic problem is solved. He also mentioned semi-truck traffic and that he didn't see anything in the plans to remedy the traffic situation along Zoo, Hoover and I-235.

**GISICK** asked why the City was not asking for services.

**MCNEELY** reiterated that the zone change was subject to platting and that services would be addressed in the platting phase. He commented that a nursery and garden center could be a possible interim use of the site and said the site has on-site water and sewer.

**MOTION:** To approve, subject to staff recommendation.

**MCKAY** moved, **ANDERSON** seconded the motion, and it carried (12-0).

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5. **Case No.: ZON2008-01** – Hector Arambula (owner) Request City zone change from "B" Multi-Family to "GC" General Commercial on property described as;

Lots 2, 4, 6, 8 and the North half of Lot 10, Kailer's Addition, Sedgwick County, Kansas.  
Generally located on the southeast corner of Market and 24th Street North.

**BACKGROUND:** The applicant is requesting "GC" General Commercial zoning on Lots 2, 4, 6, 8, and the north half of Lot 10, Kailer's Addition, located at the southeast corner of 24<sup>th</sup> Street North and North Market Street. The site is currently zoned "B" Multi-family Residential, and is used as a storage area for the applicant's trucks and trailers, which are used for the applicant's construction business. The site has access to North Market Street and East 24<sup>th</sup> Street North, both classified as residential streets, and to North Broadway, classified as a minor arterial.

Property to the east of the site is also owned by the applicant, and is zoned "GC" General Commercial, and developed with an office use. Property located north of 24<sup>th</sup> Street North is zoned GC, and is developed with a mix of commercial uses. Property south of the subject site is zoned "B" Multi-family Residential (but has a pending request for GC zoning (ZON2008-00003), and is currently being used for vehicle storage, similar to the subject site. Property west of the subject site, across North Market Street, is zoned B, and is developed with single-family residences.

The applicant was contacted by the Office of Central Inspections due to the illegal use of the land as currently zoned. The applicant met with staff and discussed possible options for the site. The applicant was informed that the best route for this property would be to rezone to GC, and dedicate complete access control along North Market. Screening and landscaping requirements will be required. Also, the area used for storing/parking the trucks and trailers will need to be paved in accordance to the zoning regulations.

**CASE HISTORY:** The site is part of the, Kailer's Addition, which was recorded with the Register of Deeds December 4, 1917.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"GC"	General Commercial	Mixed Commercial Uses
SOUTH:	"B"	Multi-family Residential	Vehicle Storage
EAST:	"GC"	General Commercial	Construction Firm Offices
WEST:	"B"	Multi-family Residential	Single-family Residences

**PUBLIC SERVICES:** All municipal services and utilities are available. North Market and East 24<sup>th</sup> Street North are both paved residential streets. North Broadway is a paved four-lane minor arterial. These roads are shown to remain the same on the "2030 Transportation Plan." Currently, there are approximately 28,000 to 30,000 average daily trips on the North Broadway - East 25<sup>th</sup> St. North intersection. There appears to be 30-feet of half-street right-of-way at this location along East 25<sup>th</sup> St. North and 40-feet of half street right-of-way along North Market Street.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies the site as appropriate for "Urban Residential." The "Urban Residential" category includes all densities of residential development found within the urban municipality. This site and the requested zoning are mostly in compliance with the "Land Use Guide." The subject site backs up to property to the east, along N. Broadway, which is identified as "Local Commercial." The applicant owns the property that is identified as "Local Commercial" and the subject site is an extension of the business that is operated along N. Broadway. The MAPC has a policy of generally supporting the expansion of existing businesses.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request for the "GC" General Commercial zoning be APPROVED, and contingent on the provisions of Protective Overlay #204, being complete within one-year of approval by the governing body.

- (1) Dedication of complete access control onto N. Market St. and onto E. 24<sup>th</sup> St. N. except for one entrance off E. 24<sup>th</sup> St. N.
- (2) Screening (fencing, evergreen vegetation or landscaped earth berms) six to eight feet in height, except in a sight triangle, shall be provided along north Market Street, and along the southern property line as long as that property is residentially zoned. If fencing is the primary screening material, then landscaping of one tree and three shrubs every 30 feet shall also be supplied.
- (3) No ground supported signage is allowed along the south and west sides of the site, and no building signs facing the south and west are permitted on the site as long as the property adjacent to or across the street is residential developed or zoned. No off-site or portable signs are allowed. Signs, in accordance with the sign code, are permitted along E. 24<sup>th</sup> St. North.
- (4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
- (5) The site shall be developed in conformance with all applicable regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Zoning east of the site is "GC" General Commercial developed with an office use, and is owned by the applicant. Property north of the subject site, across 24<sup>th</sup> Street North, is zoned GC, and is developed with a mix of commercial uses. Land south of the subject site is zoned "B" Multi-family Residential, and is currently being used for vehicle storage, similar to the subject site. Property west of the subject site, across N. Market St. is zoned B and is developed with single-family residences.



2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned “B” Multi-family Residential. The “B” district primarily restricts the site to residential uses. Given the existence of a commercial building immediately east of the application area, the ownership pattern, and the land being used for vehicle storage to the south, similar to the subject site, this site is becoming less desirable for infill residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of “GC” zoning will permit uses not currently permitted at this location; however the proposed Protective Overlay requirements will minimize detrimental impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow for the legal expansion of an existing business onto a lot that is owned by the applicant. Failure to approve the request would make expansion by this business at this location an illegal use on the current zoning.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Planning Commission has a policy of generally supporting the expansion of existing businesses. The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the site as appropriate for “Urban Residential.” The “Urban Residential” category includes all densities of residential development found within the urban municipality. This site and the requested zoning are mostly in compliance with the “Land Use Guide.” The subject site backs up to property to the east, along N. Broadway, which is identified as “Local Commercial.” The applicant also owns the property that is identified as “Local Commercial” and the subject site is an extension of the business that is operated along N. Broadway.
6. Impact of the proposed development on community facilities: “GC” uses are capable of generating some of the highest traffic rates. With the Protective Overlay, the proposed access controls would limit the amount of traffic that could put on north Market. Therefore complete access control would help address potential increased demand on community facilities and limit the traffic from entering a residential street. Other typically supplied community facilities are available, and should not be negatively impacted by this request.

**FOSTER** referenced the Protective Overlay information in the Staff Report and asked if it requested limited use on the site?

**DERRICK SLOCUM, PLANNING STAFF**, said the site was not limited to vehicle storage. He added that staff recommended requirements on screening within the Protective Overlay and complete access control off of Market.

**HENTZEN** asked if the church property across the street had been notified of the proposed zoning change. (It was later revealed that the church in question was located on 23<sup>rd</sup> Street, not 24<sup>th</sup> Street).

**SLOCUM** responded if they were within the notification area.

**HENTZEN** asked if this site was within the 21<sup>st</sup> Street Project Plan area.

**SLOCUM** commented that during staff research he noted that one plan starts on other side of Market Street and goes west and that the 21<sup>st</sup> Street Project Plan ends south of 23<sup>rd</sup> Street. He said this site was just outside both plan areas.

Responding to **HENTZEN**'s questions concerning the type of vehicles to be stored at the site, including those containing hazardous materials, **SLOCUM** explained that any vehicles stored have to be “operable

vehicles", which included trucks and cars, as long as they still operate. He said other codes may address hazardous materials.

**JOE LANG, CHIEF DEPUTY CITY ATTORNEY**, said hazardous materials regulations are determined by Kansas Corporation Commission (KCC) or Department of Transportation (DOT). He said as long as the vehicles are licensed and can be driven on streets, they could be parked there under this zoning request.

**BOB PARNACACOTT, COUNTY COUNSELOR**, said he believed there were solid waste management regulations on how long a truck can be parked. He said he thought it was no more than 24 hours and, that other regulations may also apply. He said he could look into that.

**MCKAY** clarified that the church was further south on 23<sup>rd</sup> Street, not 24<sup>th</sup> Street. He suggested the motion take it a step further and specify that no hazardous materials would be stored at the site.

**HECTOR ARAMBULA, APPLICANT, 1033 N. ST. PAUL**, said he was present to answer any questions.

**HILLMAN** asked **MR. ARAMBULA** what types of vehicles he intended to park at the site and for how long. He also asked him what kind of business he was in.

**ARAMBULA** said he would use the site for additional parking for employees and his business trucks and dump truck. He said he was in construction, remodeling and repair, and that no hazardous materials were involved.

**HILLMAN** commented that when buildings are demolished, asbestos is removed.

**ARAMBULA** said you have to be licensed to remove asbestos.

**HILLMAN** responded that you don't have to be licensed to haul it.

**ARAMBULA** said the site would be used just for parking; not storage.

**HILLMAN** asked staff if this item could be merged with Item #6.

**JOE LANG**, suggested since the items were from two different applicants, the Commission could defer action on this item until the other item is heard.

**MOTION:** To approve, subject to staff recommendation.

**GISICK** moved, **JOHNSON** seconded the motion, and it carried (12-0).

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6. **Case No.: ZON2008-03**- Jose Ramirez (owner) Request City zone change from "B" Multi-Family to "GC" General Commercial on property described as:

South half of Lot 10 - all of Lot 12, 14, 16, 18, 20, 22, 24, 28 & 30 AND Lot 7 & North 15' of Lot 9 AND South 10' of Lot 9 - all of Lot 11, 13, 15, 17, 19, 21 & 23, Kailer's Addition, Wichita, Sedgwick County, Kansas. Generally located southeast of the intersection of North 24th Street and North Market (2448 N. Market).

**BACKGROUND:** The applicant is requesting “GC” General Commercial zoning on the south half of Lot 10, and all of Lots 12, 14, 16, 18, 20, 22, 24, 28, and 30, Kailer’s Addition. The site is currently zoned “B” Multi-family Residential, and is used as a storage area for the applicant’s delivery trucks and trailers. The vehicles are used in conjunction with the applicant’s food manufacturing business that is located on the lot located immediately to the east, fronting north Broadway. The application area has direct access to north Market, which is classified as a residential street, and indirectly to north Broadway, classified as a minor arterial.

Zoning east of the site is “GC” General Commercial, and developed with the applicant’s food manufacturing business. Property north of the subject site is zoned B (but has a pending application, ZON2008-01, for GC zoning), and is currently used for vehicle storage similar to the subject site. Property south of the subject site is zoned “B” Multi-family Residential, and is currently developed with a single-family residence. Property west of the subject site, across north Market Street is zoned B, and is developed with single-family residences.

The applicant was contacted by the Office of Central Inspections due to the illegal storage and parking use of the land as currently zoned. The applicant met with staff and discussed possible options for the site. The applicant was informed that the best route for this property would be to rezone to GC, and dedicate complete access control along N. Market. Applicable zoning screening, landscape buffering and compatibility standards will be required. Also, the area used for storing/parking of trucks and trailers will need to be paved in accordance to the zoning regulations.

**CASE HISTORY:** The site is part of the, Kailer’s Addition, which was recorded with the Register of Deeds December 4, 1917.

**ADJACENT ZONING AND LAND USE:**

NORTH:	“B”	Multi-family Residential	Vehicle Storage
SOUTH:	“B”	Multi-family Residential	Single-family Residence
EAST:	“GC”	General Commercial	Food manufacturing business
WEST:	“B”	Multi-family Residential	Single-family Residences

**PUBLIC SERVICES:** All municipal services and utilities are available. North Market is a paved residential street. North Broadway is a paved four-lane minor arterial. These roads are shown to remain the same on the “2030 Transportation Plan.” Currently, there are approximately 28,000 to 30,000 average daily trips on the north Broadway - east 25<sup>th</sup> Street North intersection. There appears to be 40-feet of half street right-of-way along north Market Street.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the site as appropriate for “Urban Residential.” The “Urban Residential” category includes all densities of residential development found within the urban municipality. This site and the requested zoning are mostly in compliance with the “Land Use Guide.” The subject site backs up to property to the east, along north Broadway, which is identified as “Local Commercial.” The applicant owns the property that is identified as “Local Commercial,” and the vehicle parking and storage is an extension of the applicant’s business that is operated along north Broadway.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request for the “GC” General Commercial zoning be APPROVED, subject to the completion of the provisions of Protective Overlay #205 within one-year of approval by the governing body:

- (1) Dedication of complete access control onto N. Market St.
- (2) Screening (fencing, evergreen vegetation or landscaped earth berms) six to eight feet in height, except in a sight triangle, shall be provided along north Market Street and along the southern property line as long as that property is residentially zoned. If fencing is the primary screening

- material, then landscaping of one tree and three shrubs every 30 feet shall also be supplied.
- (3) No ground supported signage is allowed along the south or west sides of the site, and no building signage facing residential zoning or uses, is permitted where adjacent to or across the street from residential development or zoning. No off-site or portable signs are allowed.
  - (4) On site pole lighting will be no taller than 15-feet including the base/pedestal. Pole lighting will be directed down onto the site away from adjacent residential development. No pole lighting will be placed within setbacks.
  - (5) The site shall be developed in accordance with all applicable regulations.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Zoning east of the site is “GC” General Commercial, and developed with the applicant’s manufacturing business. Property located north of the subject site is zoned B (pending GC application, ZON2008-01), and is currently used for vehicle storage similar to the subject site. Property south of the subject site is zoned “B” Multi-family Residential, and is currently developed with a single-family residence. Property west of the subject site, across north Market Street is zoned B, and is developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned “B” Multi-family Residential. The “B” district primarily restricts the site to residential uses. Given the existence of a commercial building immediately east of the application area, and vacant land being used for vehicle storage to the north, similar to the subject site, this site is becoming less desirable for infill residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of “GC” zoning will permit uses not currently permitted at this location; however the proposed Protective Overlay requirements will minimize detrimental impacts.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow for the legal expansion of an existing business, and make an existing activity legal, but would commercial uses closer to the residences fronting north Market. Failure to approve the request would make expansion by this business at this location unlikely, and pose an economic hardship on the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies the site as appropriate for “Urban Residential.” The “Urban Residential” category includes all densities of residential development found within the urban municipality. This site and the requested zoning are mostly in compliance with the “Land Use Guide.” The subject site backs up to property to the east, along N. Broadway, which is identified as “Local Commercial.” The applicant owns the property that is identified as “Local Commercial,” and the subject site is an extension of the business that is operated along N. Broadway.
6. Impact of the proposed development on community facilities: “GC” uses are capable of generating some of the highest traffic rates. With the Protective Overlay, the proposed access controls would limit the amount of traffic that could put on north Market. Therefore complete access control would help address potential increased demand on community facilities and limit the traffic from entering a residential street. Other typically supplied community facilities are available, and should not be negatively impacted by this request.

**DERRICK SLOCUM, PLANNING STAFF**, presented the staff report. He said DAB VI will hear the case on March 3, 2008.

Responding to a question from **GISICK** concerning surface materials, **SLOCUM** commented that the City Code required a paved surface.

Responding to a question from **HILLMAN** concerning notification of neighborhood associations in the area, **SLOCUM** explained that they are generally notified with the surrounding property owners by the Public Hearing Notice. He added that staff does not hold a separate meeting with neighborhood associations, unless specifically requested to do so.

**HILLMAN** suggested waiting to make a decision until the proposal was heard by the DAB.

**JOSE RAMIREZ, 8230 W. 53<sup>rd</sup> STREET NORTH, MAIZE, KANSAS**, said there was a tortilla manufacturing plant in front of the property. He said the trucks deliver and warehouse the raw materials to make the product such as corn and flour and also storage for cardboard boxes.

**MOTION:** To approve, subject to staff recommendation.

**JOHNSON** moved, **SHERMAN** seconded the motion, and it carried (12-0).

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7. **Case No.: ZON2008-04** – Beech Lake Investments LLC c/o Johnny Stevens (owner), MKEC c/o Gene Rath (agent) Request City zone change from "SF-5" Single-Family Residential to "NO" Neighborhood Office on property described as:

A tract of land lying in the Southeast Quarter, Section 8, Township 27 South, Range 2 East, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southeast corner of said Southeast Quarter, thence along the east line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone grid bearing of N00°53'35"W, 759.97 feet; thence S89°06'25"W, 60.00 feet to the POINT OF BEGINNING at a point, said point being thence S89°06'25"W, 278.42 feet; thence N00°53'35"W, 87.92 feet; thence N89°04'47"E, 26.23 feet; thence N00°53'35"W, 144.45 feet; thence N89°05'03"E, 252.19 feet to a point lying 60.00 feet west of said east line; thence S00°53'35"E, 232.48 feet to the POINT OF BEGINNING. Generally located on the west side of Webb Road 1/5 mile north of 13th Street North.

**BACKGROUND:** The SF-5 zoned application area is undeveloped property along N. Webb, 700 feet north of 13<sup>th</sup> Street N. The applicant wishes to develop the site with office uses, and has requested a zone change to "NO" Neighborhood Office.

Surrounding property north and west of the site is under the same ownership as the application area, and is undeveloped SF-5 land. Further west of the site is an SF-5 zoned single-family neighborhood. East of the site is the LI Limited Industrial zoned Waterfront development. South of the site is property approved for LC Limited Commercial zoning, and the Foliage Commercial CUP, subject to platting. The Foliage Commercial project and the application area are currently in the platting process. The application area plat indicates one access point along the north property line, cross lot access with the CUP to the south, and a wall easement on the north and west property lines, continuing the required wall easement for the CUP to the south.

**CASE HISTORY:** The site is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH:	“SF-5”	Vacant, single-family residential
SOUTH:	“SF-5”, approved for “LC”	Vacant, approved for a CUP
EAST:	“LP”	Waterfront commercial and office
WEST:	“SF-5”	Single-family residential

**PUBLIC SERVICES:** North Webb is a 4-lane arterial with a 50-foot half right-of-way (ROW) at this location. The current traffic count is 19,536 vehicles per day on this portion of Webb. The submitted plat for this site demonstrates one point of access along the north property line, and cross lot access to the CUP to the south. ROW dedications will be taken through the platting process.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality. The Land Use Guide identifies property immediately south of this site as appropriate for Local Commercial development. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites be located adjacent to arterial streets. The guidelines also indicate that low-density offices can serve as a transitional land use between residential uses and higher intensity uses.

The Unified Zoning Code (UZO) would require screening between single-family residential development and proposed development on this site, and would require setbacks from all property lines. The Landscape Ordinance would require a landscape plan for the proposed development.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding property north and west of the site is under the same ownership as the application area, and is undeveloped SF-5 land. Further west of the site is an SF-5 zoned single-family neighborhood. East of the site is the LI Limited Industrial zoned Waterfront development. South of the site is property approved for LC Limited Commercial zoning, and the Foliage Commercial CUP, subject to platting.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed with a single-family residence under the current zoning. However, this location with frontage along Webb may not be attractive for single-family development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all land uses permitted in NO zoning on the site. The affect on nearby residents could be increased traffic, noise, and light from a non-residential use. The minimum standards of the UZO should mitigate any other potential negative affects on the surrounding residential neighbors. The coordination of cross-lot access with the property to the south should reduce traffic conflicts on Webb at this site. The proposed office use could serve as a transition buffer between SF-5 zoning to the north and the LC zoned CUP to the south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites be located adjacent to arterial streets. The guidelines also indicate that low-density offices can serve as a transitional land use between residential uses and higher intensity uses.

5. Impact of the proposed development on community facilities: Traffic on this portion of Webb could increase as a result of the proposed development. Proposed access restrictions and dedications through the platting process should mitigate this impact.

**JESS MCNEELY, PLANNING STAFF**, presented the staff report.

**GENE RATH, MKEC ENGINEERING, AGENT FOR THE APPLICANT**, said they are in agreement with staff comments. He also mentioned that the same people own the property across the street, to the south and to the north.

**FOSTER** asked about the proposed wall on the north end of the property and what type of commercial uses they planned for the property.

**RATH** mentioned the CUP to the south and said it was not their intent to rezone to commercial office north of this area.

**TAPE 1, SIDE 2**

**BOB BUFFORD, 9176 E. 13<sup>th</sup> STREET**, said with the wall to the north and west, he was concerned about accessibility to this area.

**JOHNNY STEVENS** said the property owners have discussed putting a gate in the wall to accommodate the property owner to the west.

**BUFFORD** clarified that they have discussed it, and asked if the gate was going to be there.

**STEVENS** said they plan on putting in a gate.

**BUFFORD** commented that there is a lot of equipment stored there and asked if the gate will be large enough to accommodate the equipment.

**STEVENS** reiterated that it was their intention to provide a gate to give the adjacent property access for his equipment through their property.

**MOTION:** To approve, subject to staff recommendation.

**HENTZEN** moved, **HILLMAN** seconded the motion, and it carried (12-0).

**FOSTER** asked if it would be appropriate to add "access through the west wall" to the motion?

**MCNEELY** said that access was not part of the plat that is already in progress.

**STEVENS** commented that the gate was a private agreement with the adjacent property owner, and that they may want to close off the gate if the current property owner moves because it may no longer be necessary. He said they don't want to be committed to give access if they don't have to.

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8. Case No.: ZON2008-06/CUP2008-01 – RRGLN, LLC Attn: Jay W. Russell (owner); Baughman Company, P.A., c/o Russ Ewy (agent) Request DP-310 Ridge Port Commercial Park 2<sup>nd</sup> Residential and Commercial Community Unit Plan and City zone change from "LI" Limited Industrial to "LC" Limited Commercial on property described as:

Lot 1; Block 1; Ridge Port Addition, Wichita, Sedgwick County, Kansas. Generally located 1/8 mile north and 1/8 mile east of the intersection of 29th Street North and north Ridge Road.

**BACKGROUND:** The applicant proposes to create an approximately 13-acre residential and commercial community unit plan of three parcels. The property currently is zoned "LI" Limited Industrial, but would be downzoned to "LC" Limited Commercial. Parcel 1 (2.06 acres) is located along Ridge Road. Parcel 2 (5.39 acres) is an interior tract with a narrow strip of land connected to Ridge Road. Parcel 3 (5.39 acres) is located along the north side of 29<sup>th</sup> Street North.

The zone change and CUP would eliminate those intensive uses allowed by right in the LI district, including auto-oriented commercial uses such as outdoor vehicle storage, vehicle repair, general (paint and body shops) and industrial and manufacturing uses. Secondly the CUP would set higher minimum design standards than apply to LI zoned property. Thirdly, residential uses would be added to the market basket of potential uses.

The parcels are designed for accommodating commercial use on the Parcel 1 and multi-family use of Parcel 2 and Parcel 3, but with the possibility of developing any or all of the parcels with commercial or single-family use instead. The parcels would permit all uses allowed by right in the LC zoning district except for prohibiting the following uses: adult entertainment establishments; sexually oriented business; correctional placement residences; group residential, correctional placement residences, private clubs, taverns and drinking establishments, nightclubs or sexually oriented businesses. Restaurants with drive-through windows, convenience stores, service stations, vehicle repair, limited, and full-service car washes would not be permitted within the northern 100 feet of Parcel 1 and Parcel 2 and southern 100 feet of Parcel 3. No overhead doors would be allowed within 200 feet of residential uses and could not be facing any residential zoning district. Exterior audio systems would be prohibited from projecting sound beyond the boundaries of the CUP.

Maximum building coverage would be 30 percent; maximum gross floor area would be 35 percent of total land area. Maximum building height would be 35 feet. Residential density for Parcels 2 and 3 would be 16 dwelling units per acre, which is a maximum of 86 dwelling units on each parcel. Two commercial buildings are requested for Parcel 1 and six commercial buildings for Parcels 2 and 3.

The applicant has asked for variations from the standard masonry wall requirement along the northern and eastern property lines. This deviation requires approval by the governing body to override the CUP requirements of the Unified Zoning Code ("UZC"). First, the applicant is requesting to construct a screening fence to match the white screening fence of The Cloisters along Ridge Road instead of a masonry wall. The Cloisters is the abutting residential development to the north of this proposed CUP. A second reason for the requested variation is the presence of a 20-foot utility easement flanking both sides of the north property line, which would require shifting the wall southward 20 feet if constructed of masonry.

Also, the applicant is requesting to waive the masonry wall abutting the east property line on Reserve "C" but with different screening options for residential and commercial use. If Parcels 2 and 3 are developed with residential use, the applicant proposes a decorative wrought iron fence with landscaped berms and landscaping equivalent to a landscape buffer (Wichita Landscape Ordinance). If developed with commercial use, the applicant is requesting that the wrought iron fence be augmented with the equivalent of solid screening (through berming and landscaping equivalent to solid screening per the UZC (Art. IV, Sec. IV-B)). Both of these substitutions are based on the parcels being separated from the residential subdivision to the east (Ridge Port Addition) by a lake and open space 800 feet wide. It should be noted, however, that the terrain is exceptionally flat and the development on Parcels 2 and 3 would be clearly visible from this residential subdivision. In this situation, a larger number of taller evergreen trees probably would serve as a better screen for the residences in Ridge Port Addition than a six to eight foot masonry wall with one tree per 40 linear feet, so long as it is combined with an additional requirement for



solid screening with materials similar to the buildings for any and all outdoor work and storage areas, loading docks, trash receptacles and mechanical equipment to ensure screening plus prevent blowing of trash, etc. General Provision #15 already requires this type of screening for trash & mechanical.

A 35-foot building setback/landscape buffer is requested to provide sufficient area to meet the requested buffering and screening. Setbacks shown on the CUP drawing are 35 feet along Ridge, 29<sup>th</sup> Street North and the northern parcel boundary of Parcel 1. The setback for Parcel 2 is 75 feet. Interior setbacks are 15 feet between the commercial parcels. A 50-foot water system easement flanked by a 20-foot utility easement precludes use of the southwestern 70 feet on all parcels.

Commercial buildings would have uniform architectural compatibility and share similar lighting (24-foot maximum height including base and pedestal, reduced to 16 feet within north 100 feet of Parcels 1 and 2), landscaping and signage elements (maximum height of 16 feet for Parcel 2 and 20 feet for the other monument signs). The water system easement also affects the placement of monument signage along Ridge Road and has resulted in the applicant requesting to reduce the spacing between the two monument signs on Ridge to 75 feet. Sign clutter would be reduced by using consistent pattern and color for both signs. The amount of sign face requested slightly exceeds the amount permissible along Ridge, based on 0.8 x linear frontage. Two monument signs also are requested along 29<sup>th</sup> Street North, again with consistent pattern and color for both signs. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. Building wall signs would be prohibited on building elevations facing residential zoning unless separated by a public street.

The CUP would provide internal circulation among parcels, cross-lot circulation and pedestrian connectivity between the buildings and the arterial streets.

The property lies to the northeast of an active railroad right-of-way. The Cloisters, a development of duplexes, triplexes and fourplexes on property zoned "TF-3" Two-family Residential with a conditional use for multi-family residential, abuts the property to the north. Reserve "C" (Ridge Port Lake) abuts the property to the northeast, and single-family residences (Ridge Port Addition) are located on the east side of the lake. Barefoot Bay, on property zoned SF-5, is located to the south and is developed with suburban single-family residents around Barefoot Bay Lake. The property to the southwest of the railroad right-of-way is zoned LI and is vacant except for a billboard; the property southwest of 29<sup>th</sup> Street North is zoned LI and includes an older commercial structure at the corner, and a concrete plant and office facility for LaFarge NorthAmerica. The property immediately west of Ridge Road is zoned LI and partially developed with a vehicle repair, general, firm and office warehouse uses. The property to the southwest of Ridge Road includes the railroad right-of-way and Forrest Ridge Addition, zoned SF-5 and developed with single-family residences.

**CASE HISTORY:** The property is platted as Lot 1, Block 1, Ridge Port Addition, recorded June 8, 1998.

**ADJACENT ZONING AND LAND USE:**

NORTH:	TF-3	Duplexes, triplexes and fourplexes (The Cloisters)
EAST:	SF-5	Lake, single-family residential
SOUTH:	SF-5, LI	Railroad right-of-way, vacant tract, single-family residential and lake (Barefoot Bay), commercial, office and concrete plant (LaFarge)
WEST:	LI, SF-5	Vehicle repair, office warehouse, vacant, railroad right-of-way, single-family residential

**PUBLIC SERVICES:** One access point is platted on Ridge Road and two access points are platted on 29<sup>th</sup> Street North. Ridge Road is classified as a major arterial street and is paved as a four-lane road. Traffic counts in 2007 on Ridge Road were 14,263 vehicles per day (AADT) north of Ridge Road at 29<sup>th</sup> Street North. 29<sup>th</sup> Street North is classified as a minor arterial street and is paved as a two-lane road south of the site. The road is unpaved east toward Hoover Road. The road is scheduled to be paved as a four

lane arterial in the CIP. Traffic counts in 2007 were 1,753 vehicles per day (AADT) on 29<sup>th</sup> Street North east of Ridge Road. All municipal services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide, Map as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “urban residential.” The property is within the “Wichita 2030 Urban Growth Area.” The CUP and proposed zoning conforms to the future Land Use Guide Map if developed with residential use but not for commercial use. In the Comprehensive plan, the policy guidance for “urban residential” states “full diversity of residential development densities and types typically found in a large urban municipality.”

In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the proposed CUP incorporates architectural and landscape requirements, parking lot elements and lighting consistency, cross-lot circulation and requires a site circulation plan. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is within the range allowed by urban standards of the Access Management Policy. The property complies with the **Commercial Locational Guideline #1** of being adjacent to arterial streets. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts audio systems and the height of parking lot lighting to 16 feet in the north 100 feet and 24 feet on the remainder, plus eliminates auto-oriented uses within the northern 100 feet and overhead doors within 200 feet of residential uses and facing residential districts.

The residential goal of the *Comprehensive Plan* is “Provide for rural, suburban, and urban residential areas, which provide a variety of housing opportunities.” The objective/ strategies and locational guidelines with which this CUP mostly closely aligns are **Residential Objective A/Strategy II.A1** to use community unit plans and zoning as tools to promoted mixed, higher density residential and appropriate buffering, and **Residential Locational Guideline #3** with medium-density residential use serving as a buffer to low-density residential uses and **#5** with medium-density residential development being directly accessible to arterial streets.

**RECOMMENDATION:** Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to subject to the following conditions:

A. APPROVE the zone change (ZON2008-00006) to LC.

B. APPROVE the Community Unit Plan (DP-310), subject to the following conditions:

1. Provide a drainage plan and associated guarantees and a guarantee for a left turn lane into the westernmost entrance on 29<sup>th</sup> Street North at the time of a lot split (or replat).
2. Reduce the amount of sign face area on Ridge Road to Wichita Sign Code standards.
3. Add outdoor work and storage areas and loading docks to General Provision #15.
4. Add a 35-foot building setback/landscape buffer along the east property line abutting Reserve “C.”
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.

8. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-310) includes special conditions for development on this property.
9. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property lies to the northeast of an active railroad right-of-way. The Cloisters, a development of duplexes, triplexes and fourplexes on property zoned TF-3 with a conditional use for multi-family residential, abuts the property to the north. Reserve "C" (Ridge Port Lake) abuts the property to the northeast, and single-family residences (Ridge Port Addition) are located on the east side of the lake. Barefoot Bay on property zoned SF-5 is located to the south and is developed with suburban single-family residents around Barefoot Bay Lake. The property to the southwest of the railroad right-of-way is zoned LI and is vacant except for a billboard; the property southwest of 29<sup>th</sup> Street North is zoned LI and includes an older commercial structure at the corner, and a concrete plant and office facility for LaFarge NorthAmerica. The property immediately west of Ridge Road is zoned LI and partially developed with a vehicle repair, general, firm and office warehouse uses. The property to the southwest of Ridge Road includes the railroad right-of-way and Forrest Ridge Addition, zoned SF-5 and developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The current zoning LI is less suited for the property than the proposed CUP and zone change, given the recommendation of the Land Use Guide Map's designation as "urban residential" and the surrounding land uses that are residential to the north, east and south.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CUP and zone change should be beneficial to the nearby property compared to the potential for more intensive development as zoned LI.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "2030 Wichita Functional Land Use Guide, Map as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban residential." The CUP and proposed zoning conforms to the future Land Use Guide Map if developed with residential use but not for commercial use. In the Comprehensive plan, the policy guidance for "urban residential" states "full diversity of residential development densities and types typically found in a large urban municipality." In terms of conformance with commercial goals/ objectives/ strategies and locational guidelines, the proposed CUP incorporates architectural and landscape requirements, parking lot elements and lighting consistency, cross-lot circulation and requires a site circulation plan. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is within the range allowed by urban standards of the Access Management Policy. The property complies with the **Commercial Locational Guideline #1** of being adjacent to arterial streets. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, and **#4** recommends compact clusters versus extended strip development. The proposed CUP restricts audio systems and the height of parking lot lighting to 16 feet in the north 100 feet and 24 feet on the remainder, plus eliminates auto-oriented uses within the northern 100 feet and overhead doors within 200 feet of residential uses and facing residential districts. The residential goal of the *Comprehensive Plan* is "Provide for rural, suburban, and urban residential areas, which provide a variety of housing opportunities." The objective/ strategies and locational guidelines with which this CUP mostly closely aligns are **Residential Objective A/Strategy II.A1** to use community unit plans and

zoning as tools to promoted mixed, higher density residential and appropriate buffering, and **Residential Locational Guideline #3** with medium-density residential use serving as a buffer to low-density residential uses and **#5** with medium-density residential development being directly accessible to arterial streets.

5. Impact of the proposed development on community facilities: The development will add traffic to the arterial streets but should not be significantly greater than could result from current zoning. Other municipal services are available.

**DONNA GOLTRY, PLANNING STAFF**, presented the staff report. She reported that DAB V will hear the case March 3, 2008. She briefly reviewed the letter from the Cloisters handed out at the meeting.

**CHRIS ROSE, BAUGHMAN COMPANY, AGENT FOR THE APPLICANT**, said they agree with staff comments with the exception of item #2 regarding signage. He commented that the applicant has had a meeting with the Ridgeport Homeowners Association concerning no access to the lake, and screening and landscaping adjacent to the property. He said drainage issues will be addressed during the site plan process.

**DENNIS** referenced the letter from the Cloisters and asked the agent to address the trash issue.

**ROSE** stated that he did not think the applicant will be willing to give additional money to the association for trash removal.

Responding to **FOSTER'S** concerns about screening along the north wall, **ROSE** agreed that masonry cost more than board fencing, and added that board fencing should be adequate screening for residential use.

**REBECCA ALLEN, 3122 WEST WIND BAY COURT**, stated that her property backs up to the north fence. She said the homeowner's association was proposing masonry fencing instead of board fencing. She said they (referring to The Cloisters) will be redoing the wood fence along Ridge Road because it is already falling down in some areas. She said they are concerned that wood fencing is not as sturdy and does not last as long as masonry fencing.

Responding to a question from **HENTZEN** concerning the applicant paying for their part of the fence if it were masonry, **ROSE** responded no, that the applicant was proposing a wood fence like the fence along Ridge Road on the north side of their property.

There was brief discussion concerning the location of the fence, and whether it would be on the south side of the utility easement or on the property line.

**GOLTRY** commented that there was a 20-foot wide utility easement along the south property line.

**ROSE** said the applicant would extend the fence through Reserve C, and that he didn't know if that was north or south of the utility easement. He added that the drainage ditch may be rechanneled at the time of site plan development.

**DENNIS** asked if there was a rush on the case, and if the Commission should let DAB V hear the case before they make a decision.

**ROSE** commented that **RUSS EWY** was the agent for the case; however, he didn't know of any rush to complete the case.

**REBECCA ALLEN** clarified that the existing white wood fence was located north of the drainage area.

**MOTION**: To defer making a decision until after DAB V hears the case.

**DENNIS** moved, **HILLMAN** seconded the motion.

**MARNELL** said he was going to oppose the motion because the MAPC is separate and independent from the DABs. He said if the DAB report is available, he is happy to look at it, but they advise City Council separately from the MAPC.

**SUBSTITUTE MOTION**: To approve, subject to staff recommendation, with the exception of item #2 on the staff report, and to approve applicant's requested signage.

**MCKAY** moved, **ANDERSON** seconded the motion, and it carried (11-1).  
**FOSTER** – No.

Responding to a question from **JOHNSON** concerning the sign issue, **GOLTRY** clarified that it was staff's recommendation that the application be in conformance with the Sign Code, unless the MAPC felt inclined to change that recommendation.

Responding to **MCKAY**, **GOLTRY** commented that with the two frontages, signage was not a composite calculation from combining the sign face area allowed on each frontage.

**GISICK** asked if the applicant could apply for an administrative adjustment to address the signage issue.

**GOLTRY** said there were a number of items on signs that can be adjusted administratively; however, sign face area was not one of them.

**DENNIS** said he was not opposed to the rezoning request, but would still like to give the DAB the opportunity to hear the case first and, therefore; he was not going to support the substitute motion. He said since there was no sense of urgency, he would rather wait.

**HENTZEN** said he was in favor of the substitute motion because he did not want the Commission to get in the habit of not being willing to make a decision if a case hasn't been heard by the DAB.

Responding to **FOSTER'S** question concerning the precedence of the applicant paying for trash services, **GOLTRY** commented that it was not entirely unprecedented. She said there have been a few cases in the past where negotiations have taken place between the applicant and the homeowners association; however, those were generally private agreements and not part of the public process.

**DENNIS** said he didn't disagree with **MR. HENTZEN**, but it did not appear that this case was a rush and added that staff had scheduled this backwards. He said he thought the case should be heard by the DAB and then the MAPC.

**DIRECTOR SCHLEGEL** clarified that staff was required by City Code to schedule items on the MAPC agenda as soon as possible. He said it was not within staff's discretion to delay scheduling of MAPC hearings in order to accommodate the DAB schedule. He commented that the MAPC meets twice a month, whereas the DAB only meets once a month. However, he said until instructed differently by the City Council or the City Code is changed, staff will continue to schedule items in the same manner.

**MCKAY** commented that the MAPC is mandated to hold public hearings according to the established schedule.

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9. **Case No.: CUP2008-02** – Andeel Holdings LLC Request DP-121 Amendment to allow development of a car wash facility on property described as:

A portion of Lot 1, Block 1 Killarney Plaza First Addition, an Addition to Wichita, Sedgwick County, Kansas described as commencing at the north common corner to Lots 1 and 2 in said Block 1; thence North 76 degrees 39'38"W, along the north line of said Lot 1, 67.11 feet to the point of beginning; thence S01 degrees 05'20"E, parallel with the west line of Lot 2 in said Block 1, 315.09 feet; thence S89 degrees 18'12"W, parallel with the north line of said Lot 1, 35.35 feet; thence N01 degrees 05'20"W, parallel with the west line of said Lot 1, 30.00 feet; thence S89 degrees 18'12"W, parallel with the north line of said Lot 1, 103.09 feet; thence N01 degrees 05'20"W, parallel with the west line of said Lot 1, 287.55 feet to a point on the north line of said Lot 1; thence N89 degrees 18'12"E, along the north line of said Lot 1, 128.62 feet to a deflection point in the north line of said Lot 1; thence S76 degrees 39'38"E, along the north line of said Lot 1, 10.14 feet to the point of beginning. Generally located South and west of the intersection of North Rock Road and 37th Street North.

**BACKGROUND:** The applicant wishes to develop this vacant site with a car wash. DP-121 does not explicitly prohibit car washes, but it does not list car washes as a permitted land use, therefore the applicant is required to submit this CUP amendment request. Car washes are a permitted use in LC zoning, unless the location is within 200 feet of single-family residential zoning, requiring a Conditional Use permit. This site is not within 200 feet of single-family residential zoning.

DP-121 is an older CUP with no architectural controls. Development within the DP-121 CUP includes a convenience store with gas islands east of the site, south of the site are two multi-story hotel buildings, southeast of the site is a tire store and a restaurant, and west of the site is undeveloped property. Outside of DP-121, the surrounding area includes an LC zoned strip center to the north (across 37<sup>th</sup>), LC zoned commercial uses to the south, an LI Limited Industrial zoned manufacturing use to the east (across Rock), and an MF-29 Multi-family Residential zoned apartment complex approximately 180 feet to the west. Undeveloped property within DP 121 sits between this proposed car wash and the apartment complex to the west; one would expect this vacant property to eventually develop with a commercial use.

The proposed car wash is an enclosed, automated, single lane and single bay facility. Two electronic menu boards with two queuing lanes are proposed, as well as 13 vacuum stations and an enclosed dumpster.

**CASE HISTORY:** DP-121 was approved in 1986, and the site was platted as the Killarney Plaza 1<sup>st</sup> Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"LC"	Bank, strip commercial center
SOUTH:	"LC/CUP"	Hotel, tire store, restaurant, commercial
EAST:	"LC/CUP", "LI"	Convenience store, industrial manufacturing
WEST:	"MF-29"	Apartment complex

**PUBLIC SERVICES:** 37<sup>th</sup> Street North is a four-lane arterial road with a 50-foot half-width right-of-way (ROW) at this location, and a central median north of this site. This portion of 37<sup>th</sup> Street North has a daily traffic count of 11,245. The 2030 Transportation Plan identifies this portion of 37<sup>th</sup> Street North as remaining a 4-lane arterial. The site has one access point to 37<sup>th</sup> Street North, and proposed cross-lot access to the convenience store site to the east. All utilities are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The "2030 Wichita Functional Land Use Guide" of the Comprehensive Plan identifies this area as appropriate for "regional commercial." This category encompasses areas that are major destination areas, with a regional draw, and include high volumes of retail traffic.

Commercial Objective III.B encourages future commercial areas to “minimize detrimental impacts to other adjacent land uses,” with Strategy III.B.1 seeking to channel new strip commercial uses to areas identified on the “Wichita Land Use Guide,” and Strategy III.B.2 seeks to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials and combined ingress/egress locations. Commercial Locational Guideline #3 of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting and other activity from adversely impacting surrounding residential areas.

**RECOMMENDATION:** DP-121 has the precedence of an auto-based use (a tire store) which also includes an overhead door facing an arterial street, and convenience store gas islands. The proposed location should be buffered from nearby residential development by existing and future commercial uses. On-site supervision should mitigate trash concerns. Based upon information available prior to the public hearings, planning staff recommends that the request for Amendment #2 to CUP DP-121, to allow a car wash on the Parcel 2 be APPROVED, per General Provisions of the CUP, the Provisions for parcel #3 and the following conditions:

1. DP-121 Parcel 2 Proposed Uses shall be amended to include: An enclosed, fully automated/conveyer propelled, one bay car wash.
2. The site shall be developed in conformance with the approved site plan.
3. The site shall have staff on-site during all business hours.
4. The noise standards of Sec IV-C.6 shall be complied with.
5. The circulation plan must be approved by the City Traffic Engineer.
6. The applicant shall submit a revised CUP document for review and approval by the Planning Director, prior to the operation of the car wash, within six months of approval by the MAPC or the City Council.
7. The applicant shall submit elevations of the car wash facility to Planning Staff for review and approval. The building materials shall be consistent with other buildings in DP-121.
8. The site shall conform to the Landscape Ordinance, a landscape plan submitted by a Kansas Landscape Architect shall require Planning Staff approval. The landscape plan shall include parking lot screening landscaping along the western site boundary.
9. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations, including all the provisions of CUP DP-121.

The staff’s recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Development within the DP-121 CUP includes a convenience store with gas islands east of the site, south of the site are two multi-story hotel buildings, southeast of the site is a tire store and a restaurant, and west of the site is undeveloped property. Outside of DP-121, the surrounding area includes an LC zoned strip center to the north (across 37<sup>th</sup>), LC zoned commercial uses to the south, an LI Limited Industrial zoned manufacturing use to the east (across Rock), and an MF-29 Multi-family Residential zoned apartment complex approximately 180 feet to the west.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned “LC” Limited Commercial with a CUP overlay. The property is suitable for the commercial uses to which it has been restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The car wash land use within this CUP could subject surrounding neighbors to noise and trash. This site is well buffered from any nearby residential areas. The condition requiring on-site staff will mitigate trash concerns.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this area as appropriate for “regional commercial.” This category encompasses areas that are major destination areas, with a regional draw, and include high volumes of retail traffic.
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

**MOTION:** To approve, subject to staff recommendation.

**SHERMAN** moved, **HENTZEN** seconded the motion, and it carried (12-0).

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- 10. Case No.: DER2008-01 -Request Briefing of the 47<sup>th</sup>-55<sup>th</sup> Street South Joint Area Plan and setting a public hearing date for March 27, 2008.**

**Background:** In mid-2007, the City of Derby, the City of Wichita and Sedgwick County jointly agreed to develop a tri-jurisdictional land use plan for the unincorporated area located between 47<sup>th</sup> and 55<sup>th</sup> Street South, and K-15 to 159<sup>th</sup> Street East. It was determined that a plan with a 2030 planning horizon was needed to address issues related to the possible future extension of urban water and sewer services into portions of the plan area, and coordinate the long term 2030 urban growth areas for the cities of Derby and Wichita.

A joint Plan Steering and Technical Advisory Committee advised and directed the development of this draft plan. The Committee also discussed the appropriateness of modifications to the 2030 growth areas for Derby and Wichita, and the current water agreement between Derby and Wichita.

The draft plan contains an ‘existing conditions’ analysis of natural features, land uses and services, zoning and land use policies affecting the plan area, as well as projections of future population and employment growth to the year 2030. The draft plan proposes an anticipated / desired future land use concept that reflects the efficient, future extension of various urban municipal services into portions of the plan area.

**Analysis:** The overall plan concepts are as follows:

**1) Future Land Use Concept**

Based on research and Steering Committee and Technical Advisory Committee discussions, a Future Land Use Concept has been developed for the Plan Area that largely reflects the Future Land Use Map within the 2006 Derby Comprehensive Plan, and is consistent with the Wichita-Sedgwick County 2030 Functional Land Use Guide. The Future Land Use Concept developed for the Plan Area is a compilation of population and employment projections, existing and desired future land use patterns, future service area potential, implementation of a series of recommendations of the McConnell AFB Joint Land Use Study, and other current trends. It is intended that the Future Land Use Concept map will serve as an amendment to each jurisdictions’ comprehensive plan.



**2) Existing Water Agreement between Wichita and Derby**

It is proposed that the existing water agreement between the City of Wichita and the City of Derby not be modified at this time, and the Plan Area remains within the City of Wichita's water servicing area. The draft plan recommends that the City of Derby and the City of Wichita should continue to work together by allowing some flexibility in the agreement for situations/cases that arise in which the water agreement boundaries may need to be modified for economic and efficiency purposes.

**3) 2030 Urban Growth Area**

The City of Derby 2006 Comprehensive Plan identifies a portion of the Plan Area (along Rock Road) as a part of the Derby 2030 Growth Area, while at the same time the Wichita-Sedgwick County Comprehensive Plan includes a portion of the Plan Area within the City of Wichita's 2030 Urban Growth Area, from K-15 to just east of Greenwich Road. The 47th-55th Street South Joint Land Use Plan does not resolve future growth area/annexation issues. It is recommended that annexation continue to occur as the market demands.

**4) Zoning Area of Influence**

The City of Derby's Zoning Area of Influence currently covers the majority of the Plan Area from K-15 to 127th Street. The 47th-55th Street South Joint Land Use Plan does not propose changes to Derby's Zoning Area of Influence.

**5) Tri-Jurisdictional Task Force**

The plan recommends that the Managers of the City of Wichita, the City of Derby and Sedgwick County create a Tri-Jurisdictional Task Force to continue efforts to coordinate the future growth and servicing issues that may develop over time. The Task Force would meet once a year, (or more often as needed) and would consist of one person from each jurisdiction that is familiar with these issues. Although this Plan provides land use guidance, there are some unresolved issues that the Committee felt that it was too early to make further decisions.

The draft *47<sup>th</sup>-55<sup>th</sup> Street South Joint Area Plan* outlines formal policy, which is proposed to be jointly adopted by Sedgwick County, and the Cities of Derby and Wichita as elements of their respective comprehensive plans. The draft plan has been reviewed by the Advanced Plans Committee on January 10, 2008 and by the Derby Planning Commission on January 3, 2008. In addition, property owners within the Plan Area were invited to an informal Open House, held January 28, 2008, that provided information regarding the plan concepts and provided property owners an opportunity to submit comments or concerns. Approximately 43 property owners attended the Open House. The draft plan has been updated and is ready for review by the MAPC as a whole and for a public hearing date to be scheduled.

**Recommended Action:** That the MAPC indicate support for the draft *47<sup>th</sup>-55<sup>th</sup> Street South Joint Area Plan* and schedule a public hearing for March 27, 2008, pursuant to State Statute to receive formal public comment and consider adoption of the Plan as an amendment to the *Wichita-Sedgwick County Comprehensive Plan*.

**Attachments:**

Draft of the *47<sup>th</sup>-55<sup>th</sup> Street South Joint Area Plan* dated January 2008.

**CHRISTY RODRIGUEZ, PLANNING STAFF**, presented the staff report.

**ANDERSON** Out @3:42 PM

**SHERMAN** commented that he believed page 41 was missing verbiage.

**RODRIGUEZ** said she would address that.

**TAPE 2, SIDE 1**

**FOSTER** said he would like to commend staff on their preparation of the plan and said that the document was well studied and well crafted. He mentioned analysis items #3 "2030 Urban Growth Area" and item #5 "Tri-Jurisdictional Task Force" of the staff report and asked **RODRIGUEZ** to share some of the discussion on how annexation will be approached within this area in the future and to discuss the unresolved issues as mentioned in the staff report.

**RODRIGUEZ** explained that the initial reason for the discussion between Derby and Wichita was that the Wichita-Sedgwick County Comprehensive Plan and the Derby Comprehensive Plan have both identified a portion of the Plan Area as within their 2030 growth area. She referred to the 2030 growth area maps from each comprehensive plan. The committee concluded that dialogue needs to continue, but that future applications for annexation could be entertained by either jurisdiction.

**MCKAY** said he would like to commend both Derby and Wichita staff for working together on this issue. He said he was concerned that there might be an atmosphere of being on opposite sides, but that never happened and that staff worked well together.

**DIRECTOR SCHELEGEL** thanked **MCKAY** for his comment. He said the Committee didn't accomplish all that they wanted to, but the process brought the two jurisdictions together to talk about the issues. He said in the future, they would like to use this as a model on how to resolve disputes.

**HENTZEN** said that he would like to second that motion and that he was very pleased with staff's approach and the resulting report.

**MOTION:** To support the draft 47<sup>th</sup> – 55<sup>th</sup> Street South Joint Area Plan and schedule a public hearing for March 27, 2008.

**HENTZEN** moved, **HILLMAN** seconded the motion, and it carried (10-0).

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**❖     OTHER MATTERS**

- 11.     City of West Valley Incorporation.** A representative for the Petitioners will be present to answer questions and cities within five miles have been invited to send a representative.

**FOSTER** said he had previously disclosed that Rice Foster Landscape Architects had worked with Valley Center in developing their Comprehensive Plan. He said based on that, he chose not to participate in this discussion.

**FOSTER** off the bench @3:05 PM

**BOB KAPLAN, AGENT FOR APPLICANT**, began by stating that annexation of this area by the City of Valley center was not the issue. He said there are 330+ applicants and 70+ petitioners. He said 5%-6% actually live within Valley Center's Phase #8 annexation area and obviously, they don't want to be annexed. He commented that this petition actually preceded Valley Center's annexation request; that there was no resolution from Valley Center at the time this petition was presented to the County Clerk. He continued by stating that Sedgwick County will actually benefit from the proposed incorporation. He said District 1 is shrinking as smaller cities annex areas and bring in their own fire and safety services. He said annexation will further reduce the area and take area away from the Township. He said with the proposed

incorporation, the Sedgwick County Fire District will provide fire services, and the Township will continue to receive funds to provide road maintenance. He said for whatever it was worth, that there was a bill pending in the Kansas legislature that will revamp the annexation processes. He commented on retaining the right of self-determination in Kansas communities and at the local level.

**MOTION**: To grant two more minutes.

**MCKAY** moved, **SHERMAN** seconded the motion, and it carried (11-0).

**KAPLAN** commented that **LEE PARKER**, who was familiar with municipal law and was also helping the group set up the municipality if and when County approves it, was present to answer any questions.

**KAPLAN** quickly referred to several slides of the area. He mentioned that demographics were included in the packet provided with the agenda item. He said residents maintain a rural life style and there is a great sense of community in the area. He said residents want to grow and work together to build a community. He mentioned that there were very few platted plots in the area and that many people in the community also own horses. He said the area was located in the Valley Center Phase #7 and Phase #8 services plan. He reiterated that **LEE PARKER** was present to answer any technical questions Commissioners might have concerning budget, bookkeeping, franchise fees, etc.

**HILLMAN** referred to page #9 of the information packet provided with the agenda and said the statement located there was contrary to what **MR. KAPLAN** said concerning annexation and quoted the text as follows "West Valley residents would like to form this City, to prevent annexation by the City of Valley Center or any other cities...."

**KAPLAN** said the petitioners don't want to be annexed; however, the reason for incorporation goes well beyond annexation. He again mentioned that the petition existed before annexation was proposed by Valley Center. He said Valley Center has been very cooperative and has postponed their annexation process pending the outcome of the petition request.

**I.D. CREECH, CITY ADMINISTRATOR, CITY OF VALLEY CENTER**, said he was present to appear in opposition to the petition. He said he would answer any questions he could pertaining to this item.

Responding to several questions from **HILLMAN** concerning Valley Center's 2030 expansion plan and Zoning Area of Influence (ZAOI), **CREECH** commented that Valley Center's Comprehensive Plan was part of Sedgwick County's Plan. He said the entire area is within Valley Center's ZAOI.

**DENNIS** asked about the impact of the petition on Valley Center, their annexation plan and plans for extending services?

**CREECH** commented that any kind of incorporation will cut off Valley Center's growth in that area. He said they have put their annexation plans on hold; however, that was not the question before the Commission today, it was the West Valley incorporation. He said the City of Valley Center will make their plans after this issue is determined. He said he can't speak for the Valley Center City Council, but they have started Phase #8 of a Fourteen Phase Plan which has been on-going for several years and has involved several different City Councils.

**MITCHELL** asked how near any of the tracts were to public facilities and if there were water mains in the area.

**CREECH** said there is water and sewer at the river and referred to the aerial map of the area. He said there were no water mains abutting the area.

Responding to a question from **HENTZEN, KAPLAN** commented that the current map was on the tag board.

**JOHNSON** out @3:20 PM

**BOB PARNACOTT** explained that the map provided to the MAPC was the map used by the petitioners when they turned in the petition to the County Clerk. He said at that time they were not required to provide a “meets and bounds” description, but since that time better maps of the area have been developed. He briefly commented on the two annexation bills (#2747 and #2719) before the Kansas Legislature.

**HENTZEN** asked what the Commission was being asked to do today.

**BOB PARNACOTT** briefly explained that when a petition for incorporation is received by the County Clerk, they are required to notify certain designated entities including any cities within 5 miles and all planning commissions exercising authority in the area. He said a public hearing is then held and the MAPC can provide any written or oral testimony in support or opposition of the petition, or any other observations they have concerning the proposed incorporation.

**DIRECTOR SCHLEGEL** said the MAPC was being asked if they wanted to provide any testimony at the March 5, 2008, Board of County Commission’s public hearing on this issue. He commented that they were under no obligation to do so and added that the MAPC could provide comments for or against the proposal or choose not to provide any testimony at all, as a board.

**MITCHELL** said he would entertain a motion for any action.

**DENNIS** said he was concerned about the overall impact of these petitions throughout Sedgwick County and mentioned that this could be setting a precedent that if you don’t want an area annexed, you can create your own city. He said Wichita depends on its tax base to be able to continue to grow and that this will have a detrimental affect on that process. He said what happens if each area surrounding Wichita suddenly started forming their own cities. He said people from those communities live, work and drive on City streets and rely on major cities for services. He said this precedence doesn’t just affect Valley Center, that it affects every city in Sedgwick County. He said he was opposed to creating a new city to stop the growth of another city and recommended that the Commission oppose the petition.

**MOTION:** To oppose incorporation of West Valley.

**DENNIS** moved, **ANDERSON** seconded the motion, and it carried (6-4-1).

**HENTZEN, MITCHELL, SHERMAN, VAN FLEET** – No.

**FOSTER** – Abstained.

**FOSTER** back on bench at @3:25 P.M.

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**12. Amendments to the Self-Supported Municipal Improvement District (SSMID) Ordinance – WDDC.**

**Background:** In March 2001, the City Council adopted an ordinance establishing a self-supported municipal improvement district (SSMID) for downtown Wichita, for a 10 year period. The ordinance provides for the levying of an additional ad valorem tax, up to 10 mills, on all taxable real and personal property located within the boundaries set forth in the SSMID Ordinance. On January 4, 2001, the

MAPC found that the SSMID was consistent with Comprehensive Plan. The SSMID boundaries generally describe the area from the Arkansas River to Washington and Kellogg to Central.

In December 2001, the City Council approved a contract with the Wichita Downtown Development Corporation (WDDC) to provide economic development services to the City for the revitalization of the SSMID area described above. The WDDC Board of Directors has requested an amendment to the SSMID Ordinance that would extend the term of the Ordinance.

**Analysis:** The Wichita Downtown Development Corporation, with an estimated annual budget of \$500,000 funded by SSMID assessments, focuses its efforts in four major program areas:

1. **Image enhancement and marketing programs**
2. **Business retention and recruitment initiatives**
3. **Urban vitality improvements**
4. **SSMID operations**

The WDDC Board is in the process of a national search for a new president to lead the organization and believe that the extension of the term of the SSMID Ordinance will assist in that effort by addressing any concern about how long the job might last. The WDDC Board is seeking an amendment that would extend the term of the SSMID Ordinance by one year, to 2012, then automatically extend it by one year each year that the City Council adopts the annual SSMID budget, starting with the budget adoption in August 2008. This will provide the WDDC and SSMID Advisory Board with a 5-year rolling budget horizon within which to plan future activities.

Kansas Statutes requires that any amendment to a SSMID Ordinance be reviewed by the Planning Commission having jurisdiction of the area, to ensure consistency with the adopted Comprehensive Plan. The SSMID area encompasses the *Arena Neighborhood Revitalization Plan, November 2007* that was recently adopted as an amendment to the Wichita-Sedgwick County Comprehensive Plan. The *Arena Neighborhood Revitalization Plan* specifically recognizes the key role that the WDDC (SSMID) must play as a partner implementing various actions and policies contained in the Plan.

**Recommendation/Action:** It is recommended that the MAPC find the proposed amendment to the SSMID Ordinance to be consistent with the Wichita-Sedgwick County Comprehensive Plan as amended.

**MCKAY** asked about conflict of interest, and noted that he owned property in the area.

**JOE LANG, CITY ATTORNEY**, explained that this was a legislative issue so there was no problem.

**DAVE BARBER, PLANNING STAFF**, presented the staff report.

**LARRRY WEBER, VICE PRESIDENT BUILDERS, INC. AND VICE CHAIR OF THE WICHITA DOWNTOWN DEVELOPMENT CORPORATION (WDDC)**, requested that the City support the proposed extension of the SSMID ordinance. He said they are in the process of conducting a national search for a new executive director and believe that the extension of the term will assist in that effort.

**MOTION:** That the proposed amendment to the SSMID Ordinance is consistent with the Wichita-Sedgwick County Comprehensive Plan, as amended.

**HENTZEN** moved, **ANDERSON** seconded the motion, and it carried (11-0).

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## MAPC WORKSHOP

**DIRECTOR SCHLEGEL** reported that staff had prepared an agenda for the proposed MAPC workshop. He asked whether the Commission wanted to meet on March 13 or 27 (a regular Commission meeting date). He suggested starting the meeting at 11:30 A.M. and stated that lunch would be provided. He said there was also discussion concerning whether to meet off-site or at the regular meeting location and if the Commission wanted to meet on a regular meeting date, or choose another date entirely. There was brief discussion concerning the various options.

**MOTION:** To hold the workshop on Thursday, March 27, 2008 at 11:30 a.m.

**MCKAY** moved, **SHERMAN** seconded the motion, and it carried (10-0).

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The Metropolitan Area Planning Department informally adjourned at 3:50 p.m.

State of Kansas               )  
Sedgwick County            ) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)